IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.72 OF 2005

Mumbai Pradesh Arya Vidya Sabha. ...Petitioner.

Vs.

Nandkishor Ramrao Goley & Ors. ..Respondents.

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Mr.A.Y. Sakhare with Ms.Anupama Shah for the Petitioner.

Mr.Dilip Bodake with Mr.R.V.Bansode for Respondent No.1.

Mr.L.Satelkar, AGP for Respondent Nos.2 and 3.

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CORAM : DR.D.Y.CHANDRACHUD, J.

January 31, 2005.

P.C. :

After the matter has been heard, Learned Counsel appearing on behalf of the Petitioner and for the First Respondent are agreed that the following order may be passed in substitution of the impugned order of the School Tribunal, with the consent of the parties:

(1) The Petitioner agrees to deposit before the School Tribunal 50% of the last drawn wages of the First Respondent from 1st August 2004 until date and to continue to do so until the appeal preferred before the School Tribunal is disposed of. In the alternative payment may be made directly to the First Respondent by cheque;

(2) The First Respondent would be at liberty to withdraw the amount thus deposited or to receive the paymetn directly subject to his undertaking that the amount so withdrawn shall be brought back before the Tribunal, if the First Respondent is so directed at the disposal of the appeal;

(3) The Petitioner makes a statement through Counsel that the Petitioner undertakes to pay the balance of the salary which is due and payable to the First Respondent with such rate of interest which the Tribunal may award in the event that the Petitioner is directed to pay backwages to the First Respondent upon the final decision of the appeal and without prejudice to the right of the Petitioner to adopt suitable steps in accordance with law to challenge the order of the School

Tribunal;

(4) The School Tribunal is requested to expedite the disposal of the appeal and dispose of the same on or before 30th April 2005. Parties shall appear before the School Tribunal for receiving directions on 7th February 2005;

(5) The amount of arrears shall be deposited before the School Tribunal (or may be paid over directly to the First Respondent) by a cheque on or before 7th February 2005. The monthly payments which are due and payable during the pendency of the appeal shall be deposited before the School Tribunal on or before the 7th day of the succeeding month, or be paid over to the Respondent.

The Petition is accordingly disposed of since no other point has been pressed.

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